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## Mars Khaimov Law, PLLC

### VIA ECF

Honorable Katherine Polk Failla  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

# MEMO ENDORSED

September 21, 2023

Re: Case 1:22-cv-08695-KPF Toro v. Kate Aspen, Inc.  
Request for Stay of Action and Referral to Mediation

Dear Judge Failla:

The Parties jointly and respectfully submit this letter motion to seek a stay of the action, adjournment of the pretrial conference scheduled for September 22, 2023, and an immediate referral to the District's Mediation Program. Firstly, the Parties acknowledge and apologize for the tardiness of this request, as there is an in-person conference scheduled for tomorrow. The Parties have been conferring regarding the potential to resolve the suit, however, it has recently become evident that a mediation will be necessary to help a meeting of the minds. As such, for the sake of judicial economy, the Parties request that the matter be temporarily stayed pending the results of a mediation, and that the conference scheduled for September 22, 2023 be adjourned *sine die*. This is the second request for the adjournment of this pretrial conference, and both Parties do consent.

In the alternative, should Your Honor not agree to the relief requested herein, the Parties request that they be permitted to appear for the conference virtually via telephone.

We thank Your Honor for Your attention and consideration herein.

Respectfully submitted,

Mars Khaimov, Esq.  
Attorney for Plaintiff

Ian Smith, Esq.  
Attorney for Defendant

Application GRANTED. The conference scheduled for September 22, 2023, is hereby adjourned *sine die*. The Court will separately issue an Order referring this case to mediation. Per the application of the parties, this case is hereby STAYED pending the outcome of mediation.

The Clerk of Court is directed to terminate the pending motion at docket number 20.

SO ORDERED.

Dated: September 22, 2023  
New York, New York

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE